

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY  
COMPANY as Administrator for  
RELIANCE INSURANCE COMPANY,

Plaintiff,

against -

THE DORMITORY AUTHORITY OF  
THE STATE OF NEW YORK, TDX  
CONSTRUCTION CORP., and KOHN,  
PEDERSON, FOX & ASSOCIATES, P.C.,

Defendants.

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DORMITORY AUTHORITY OF THE STATE OF  
NEW YORK,

Third-Party Plaintiff,

- against -

TRATAROS CONSTRUCTION, INC. and  
TRAVELERS CASUALTY SURETY COMPANY,

Third-Party Defendants.

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TRATAROS CONSTRUCTION, INC. and  
TRAVELERS CASUALTY AND SURETY  
COMPANY,

Fourth-Party Plaintiffs,

- against -

CAROLINA CASUALTY INSURANCE COMPANY,  
et al.

Fourth-Party Defendants.

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KOHN PEDERSON FOX ASSOCIATES, P.C.

Third-Party Plaintiff,

07 Civ. 6915 (DLC)  
ECF CASE

ANSWER OF CASTRO-BLANCO  
PISCIONERI AND ASSOCIATES,  
ARCHITECTS, P.C. AND  
ARQUITECTONICA NEW YORK,  
P.C. TO COSENTINI  
ASSOCIATES INC.'S  
CROSS-CLAIM

- against -

WEIDLINGER ASSOCIATES CONSULTING  
ENGINEERS, P.C., CASTRO-BLANCO  
PISCIONERI AND ASSOCIATES, ARCHITECTS,  
P.C., ARQUITECTONICA NEW YORK,  
P.C., COSENTINI ASSOCIATES, INC.,  
CERMAK, PETERKA PETERSEN, INC. JORDAN  
PANEL SYSTEMS CORP., TRATAROS  
CONSTRUCTION, INC. and LBL SKYSYSTEMS  
(U.S.A.), INC.,

Third-Party Defendants.

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Defendants, Castro-Blanco Piscioneri and Associates, Architects, P.C. ("Castro-Blanco") and Arquitectonica New York, P.C., ("Arquitectonica") by their attorneys, Gogick, Byrne & O'Neill, LLP, as and for their Reply to the Cross-Claim of Third-Party Defendant Cosentini Associates, Inc., respectfully alleges and says as follows:

1. Deny the truth of each and every allegation contained in paragraphs "46" and "47" of the Cross-Claim.

**AS AND FOR AN ANSWER TO FIRST AFFIRMATIVE DEFENSE**

2. The Court lacks subject matter jurisdiction over this controversy.

**AS AND FOR AN ANSWER TO SECOND AFFIRMATIVE DEFENSE**

3. The Cross-Claims fail to state a cause of action against Castro-Blanco and Arquitectonica upon which relief may be granted.

**AS AND FOR AN ANSWER TO THIRD AFFIRMATIVE DEFENSE**

4. The Cross-Claim against Castro-Blanco and Arquitectonica is barred by waiver, payment and release.

**AS AND FOR AN ANSWER TO FOURTH AFFIRMATIVE DEFENSE**

5. Cosentini is estopped from bringing the Cross-Claim against Castro-Blanco and Arquitectonica.

**AS AND FOR AN ANSWER TO FIFTH AFFIRMATIVE DEFENSE**

6. Whatever changes Cosentini may have sustained as alleged in the Cross-Claim against Castro-Blanco and Arquitectonica, all of which are denied by Castro-Blanco and Arquitectonica, were caused in whole or in part by the culpable conduct of Cosentini and/or others for whose acts, omissions and/or conduct Cosentini is responsible. The amount of damages recovered, if any, shall therefore be diminished in the proportion which the culpable conduct attributable to Cosentini bears to the culpable conduct which caused these alleged damages.

**AS AND FOR AN ANSWER TO SIXTH AFFIRMATIVE DEFENSE**

7. The damages alleged in the Cross-Claim against Castro-Blanco and Arquitectonica were caused by the culpable conduct of some third person or persons over whom Castro-Blanco and Arquitectonica neither had nor exercised control.

**AS AND FOR AN ANSWER TO SEVENTH AFFIRMATIVE DEFENSE**

8. The claims alleged in the Cross-Claim against Castro-

Blanco and Arquitectonica are barred by the doctrines of waiver and/or laches.

**AS AND FOR AN ANSWER TO EIGHTH AFFIRMATIVE DEFENSE**

9. Castro-Blanco and Arquitectonica incorporates by reference each and every of the Affirmative Defenses set forth in their Answer to the Third-Party Plaintiff's Complaint and realleges same as though fully set forth herein.

**AS AND FOR AN ANSWER TO NINTH AFFIRMATIVE DEFENSE**

10. Cosentini's Cross-Claim for contribution is barred since the damages alleged are for economic loss.

**AS AND FOR AN ANSWER TO TENTH AFFIRMATIVE DEFENSE**

11. Cosentini's Cross-Claim for indemnification must be dismissed because Cosentini is being sued for its active wrongdoing.

**AS AND FOR AN ANSWER TO ELEVENTH AFFIRMATIVE DEFENSE**

Castro-Blanco and Arquitectonica reserve the right to rely upon any and all additional defenses which may be disclosed during discovery in this action.

**WHEREFORE**, Castro-Blanco and Arquitectonica demand judgment,

- (a) Dismissing the Cross-Claim in its entirety;
- (b) Awarding Castro-Blanco and Arquitectonica all attorneys' fees, disbursements and costs incurred in defending this Cross-Claim; and

(c) Granting such other and further relief as to this Court seems just and proper.

Dated: New York, New York  
April 9, 2008

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